Mr. T. S. Balarama Ayyar.—May I know, Sir, whether in the bill, as it now stands, provision has been made for the starting of provident fund arrangements in joint-stock companies?

Mr. Thomas Manjuran. — No. Only public officers and certain other institutions are protected.

Mr. T. S. Balarama Ayyar.—Do Companies come under that ?

Mr. Thomas Manjuran.—I don't think so. The best thing, I suggest, will be for the Member to introduce an amendment if he so desires in the next session of the council, to include companies also.

Motion put and carried.

Mr. President.—Why is it that 3 separate bills are put down under one Regulation?

Mr. Thomas Manjuran.—The Bills were framed at various times.

The Cochin Municipal Regulation Amendment Bill—Section 237 (b).

Mr. Thomas Manjuran.—Sir, I beg to move that the Cochin Municipal Regulation Amendment Bill (Section 237 (b), may be read in council.

Mr. P. V. Subramania Ayyar.—I second it.

Mr. Thomas Manjuran.—Sir, Section 237 of the Municipal Regulation reads thus:—

> "The Government may by notification issued after previous publication—
>
> (a) constitute any specified area into a minor municipality, and extend to it the provisions of this Regulation subject to such restrictions and modifications as they may think fit ;
>
> (b) enforce either permanently or temporarily all or any of the provisions of this Regulation relating to scavenging (Chapter VIII), nuisances (Chapter XI), licences and fees (Chapter XII), and vital statistics and the prevention of disease (Chapter XIII) in any specified area in a taluk and appoint officers for carrying out these provisions. Such officers shall have the powers of a municipal authority".

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Hon'ble Members will note that with regard to the provisions of the Municipal Regulations contained in Chapters 8, 12 and 13 the Government, as the law now stands, do possess powers of extending the provisions of the Municipal Regulation to the moffusil areas. Now the present amendment gives slightly more extended powers. The amendment reads thus:—

'Delete section 237 (b) from the existing Regulation and substitute for it the following:—

> "237 (b) enforce either permanently or temporarily all or any of the provisions of this Regulation, subject to such restrictions and modifications as they may think fit, in any specified area in a taluk and appoint officers for carrying out these provisions. Such Officers shall have the powers of a Municipal authority."

The idea is this. At the time this Regulation was passed in 1096 there did not exist in the State a department like the Health Department which we have today. Now the effective functioning of the Health Department should, I am sure all Hon'ble Members will desire, result in conferring upon the mofussil such benefits as the municipalities are or are expected to confer upon the municipal areas. That would necessarily mean a certain amount of control to be exercised from time to time in the mofussil areas to be administered by the Department of Public Health. In these days when local self-government is on trial and repeatedly insisted upon by this House, a preparation of the countryside for welcoming local self-government and for laying down the functions of local self-government will not be out of place. Hon'ble Members will, I am sure, show no partiality towards the towns while they deny corresponding facilities to the country-side. After all the country-sides the back-bone of the State.

Mr. K. Ayyappan.—Is this for the conferment of the local-self-government on them?

Mr. Thomas Manjuran.—The preparation of the mofussil for the responsibility of local self-government, making the place fit for local self-government. How can you and I thrive without taxation? No ordered Government, Hon'ble Members need not be in a delusion, is possible without paying the piper. Of course there is such a thing as over-taxation. But no modern Government will attempt any such thing. Normal taxation alone may be imposed on these Mofussil areas. Hon'ble Members need not

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be under the idea that the whole countryside will be regimentalized. Government only want to arm themselves with adequate powers, with regard to the country side. These powers will be used exclusively to the advantage of the Mofussil mainly through the instrumentality of the Panchayats. There is a clear connection between local self-government and this.

Mr. A. Sankara Menon.—Are there similar provisions in Br. India ?

Mr. Thomas Manjuran.—I dare not say categorically that there is. But there should be. (Laughter). Hon'ble Members, I will say this to you. I don't want to rush this bill through the legislature. If the Hon'ble Members feel any difficulty or mis-giving about this, let us examine it. Rather than opposing it at this stage let us examine it in the Committee. This is as fair a position as anybody can take. It certainly is introduced in the best interests viz., the development of the mofussil portion of Cochin. I move that the bill be read in the Council.

* **Mr. E. Ikkanda Warriar.**—Sir, I rise to oppose this bill, and my reasons I will give in detail. You have, Sir, Section 237 in the Municipal Regulation read by the Hon'ble mover where there are two provisions. One is the constitution of minor municipalities according to section 237 (a) under which Government can constitute any specified area into Minor Municipalities and the other is clause (b) which gives the Government certain powers to apply certain provisions of the Municipal Regulation to wherever they might think it necessary. Now what is the effect of this proposed amendment to this Regulation? If the idea of the Government is only to constitute a particular area into a municipality, the best way for them is to constitute either a municipality or a minor municipality, under section 237. If you think that a particular place requires a Municipality or requires special control by the Health Department, the best way is to constitute that place into a minor municipality. In that case, the difference will be this. That area will be governed or controlled or the provisions of this regulation will be exercised by a Municipal Council. There is a fundamental difference in that. Hon'ble Members will be pleased to note the word self-government used by my friend. I think you will come to know what kind of self-government you are going to get, after I finish my speech. If you apply section 237 (a) to a minor municipality you will have all the powers of a

* Speech not corrected by the Hon'ble Member.

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minor municipality, i. e., all the sections of the Municipal Regulation will be exercised in conformity with the express wishes of the members selected by you. Not only that. You will have opportunities of saying whether you want a municipality or not. The constitution of even a minor municipality can be done by the Government, only by a previous notification published in the Gazette. That is one of the checks. If a notification is issued, there will be time for you, there is opportunity for you, to make representations to the Government. On the other hand, if the Government think that a major municipality has to be constituted, in that case also, Government will be compelled to give the people an opportunity to know that they are going to have a municipality. Section 4 (1) of the Regulation says:—"The Government may by notification declare their intention to constitute as a municipality any specified area within defined limits, or (b) to exclude from a municipality, any local area, comprised therein and defined in such notification and then to include also other areas". Then para 2 says "any inhabitant of a local area or tax-payer of a municipality, in respect of which any such notification has been published, may, if he desires to object to anything therein contained, submit his objection in writing to the Government within six weeks from the publication of the notification and the Government shall take all such objection into consideration.

(3) When six weeks from the publication of the notification have expired, and the Government have considered the objections, if any, which have been submitted, they may, as the case may be, by notification, declare the a municipality, or exclude from or include in a municipality, the local area or any portion thereof".

Here, what is the effect of this amendment? The Government can declare the whole of Cochin State into one municipality by a stroke of their pen. They need not give any notice of what they are going to do. If you allow this amendment to be passed, you are investing the Government with a power to declare the whole of Cochin State into a single municipality, under one officer appointed by the Government to function as the municipal chairman, as the executive officer and the Municipal council all combined into one. That will be the effect of allowing this amendment. On the other hand, let us see whether any necessity has arisen for such a state of affairs. I ask, is this the self-government that my friend is going to give us? The right that we have of having our own affairs controlled by our own people, by a council elected by us, is going to be invested in

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the hands of the Government by giving your consent to pass this amendment. Let us see what is the necessity for this. I remember that this amendment was once brought before the Council. Government withdrew the Bill on that day. We thought that they will inform us why they are introducing the Bill again and yet all that we find in the statement of objects and reasons is that with the development of the Public Health Department, the Government find that it is necessary to extend to rural areas, several provisions of the Municipal Regulation that are not covered by sec. 237 (b). This bill is intended to give power to the Government to do so. That is the object of this Amendment Bill. Let us see what are the provisions which they want the Public Health Department to invest with and what the Public Health Department has already got. If we go into that question in detail we will find that there are about 14 or 15 chapters. Of this Municipal Regulation, the most important Chapters relate to Public Health. The Powers under those sections have already been given to the Government. I refer to clause (b) of Sec. 237. This power the Government has already got. It is this power that they want to change. Sec. 237-(b) reads: "enforce either permanently or temporarily all or any of the provisions of this Regulation relating to scavenging (Chapter VIII) nuisances (Chapter XI), licenses and fees (Chapter XII), and vital statistics and the prevention of disease (Chapter XIII) in any specified area in a taluk and appoint officers for carrying out these provisions. Such officers shall have the powers of a Municipal authority".

I think the Hon'ble Members have already felt it. I have heard many a time complaints against the levy of license fees on coffee clubs or on some minor cottage industries. I think Hon'ble Members must have already felt at least the mischief of these sections. These are the powers that the Public Health Department wants and they have already been given to them. In fact, although the Hon'ble the mover had said that the Public Health Department was not functioning at the time the Regulation was passed, the legislators were wise enough to anticipate that a department like this may come and they provided for that in the shape of powers in regard to these matters such as scavenging, nuisance, licenses, and fees, vital statistics, prevention of disease etc.

Now let us see what are the other powers which they want by this amending regulation. The Chapters under which they cannot act at present are these. 1. The preliminary Chapter. That is only full of definitions. That is not going to give them any

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power. Then constitution of Municipalities. The same is the case with this also. Thirdly constitution of Municipal authorities. That also under the scheme of things they do not want. Then Election of Councillors. They do not want this also. Then the next chapter, taxation and finance. Probably they want it. That is the crux of the matter. Then I shall read the others also, water supply, lighting and drainage. These powers ought to be with the Public Health Department. Then 9, public streets and 10, buildings. These are the other chapters under which Government want power. The Chapter under which they particularly want to act is chapter 6, taxation and finance. If the Government is invested with this power, without giving any notice to you, they will be able to impose property-tax, tax on carriages and animals, profession tax, tax on cars and tolls on vehicles and animals etc. If you allow this amendment to be passed you will be giving them power for all these things, without giving you corresponding power to check as you will have if these places are constituted into Municipalities.

I ask, Sir, is this the self-government, the so-called self-government which the Hon'ble Member proposes to give us? Without asking you, without giving your representatives a voice to say whether it is necessary to collect these taxes or not, without giving you an opportunity for protest, they say we will collect all these taxes. Is this the self-government which the Hon'ble Member is going to give us? The meaning of self-government is entirely changed, probably it is Hitlerism that the Hon'ble Member had in mind, when he said that this is going to give us self-government. So the point is that they are going to deprive us of our most elementary rights if we allow this amendment to be passed.

The only other chapter which is of interest to you, is the chapter on water supply, lighting and drainage. These sections are of absolutely no use for them. If the Health Department want to provide us with water, they do not want the aid of these sections. If a Municipality is constituted, they will have to supply water with their own funds. It is for that purpose that these sections are enacted. They are lighting our streets. For this, a separate chapter is provided, because you are expected to spend a portion of your revenue in the interest of health from the Municipal Funds. It is only an enabling section for the Municipality if the Government does not supply us with water.

I have taken you through all the sections of the Municipal Regulation and you will find that the only possible thing that

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they want under the existing law is the power to collect tax. They are not able to collect from you, profession-tax or other taxes now. The only question is whether you want to invest the Government with plenary powers to collect taxes from all over the State. The Hon'ble Member for law found out a panacea for all these. He wants us to refer this Bill to the Select Committee. Hon'ble Members, don't fall into this snare. At this stage, we are on the principle of the bill. If you once agree to the principle of the bill, then that will be giving the Government power to convert the whole of Cochin State into one solid municipality, under the power of one officer, with the power of the Municipal Chairman, with the power of the executive officer and the power of the Municipal councillors, powers of appeal and initiative, everything combined in that officer. Are you agreed on that principle? If you are not, I request you to reject the Bill altogether. There is no use of sending it to a Select Committee. I therefore request you not to be carried away by these things. I request the Hon'ble Members to see the real effect of this amendment and reject it unanimously.

* **Dr. A. R. Menon.**—Sir, I also rise to oppose this bill. It is very interesting occasionally to pass through one's mind one's various public actions and see what is the mistake he has committed. I have no doubt in my mind that during the last 11 years, if anybody asks me what is the mistake that I have committed, with the result of inflicting great hard-ships on the population I would un-hesitatingly say that my persuasion in this Council to establish a Department of Public Health in this State was the worst mistake that I committed. I make this statement deliberately, because at the outset, when I persuaded, against un-willing members, that this Department is absolutely essential for the State, my idea of this Department was entirely different from what I have seen from its working, now.

Mr. T. S. Narayana Ayyar.—Sir, on a point of order, are we now discussing the working of the Public Health Department or the bill?

Mr. President.—The statement of objects and reasons says that this amendment is intended for the better working of the Public Health Department. So the Hon'ble Member is in order.

Dr. A. R. Menon.—I hope I have not offended anybody.

* Speech not corrected by the Hon, Member.

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I am charging myself with that thoughtless action. I do not blame anyone. My idea then was entirely different.

When you introduce a measure of this nature, two things are necessary to be found out. First of all you must satisfy us that there is public urgency, that there is a necessity for the introduction of this measure, which must inevitably interfere with the liberties of the people. Unless you are in a position to satisfy us that a state of affairs has arisen, that without such infringement of liberty, it is not possible for communal safety, communal prosperity and communal protection, you cannot introduce such measures here. We must also understand the meaning of words before we copy out sections from other acts. The word 'village' is a very elastic term. A village in Tamil Nadu and Andhra Desa is different from what a village is in Kerala. Here a village is only a unit for the collection of revenue. We have got only isolated houses in 9/10 parts of the State excepting on the sea-boarder. All these things may be necessary in a crowded village, because a crowded village is a miniature town. In a miniature town, all these up-to-date sanitation may be absolute necessary. But as things are, I do not think a necessity has arisen for the Government to enforce the sections in a bill of this nature.

Further there is a great misconception of the term 'license fee'. License fee is not a tax. It is a fee collected by an agency for the proper discharge of supervision. I am asking what supervision are they going to do with one Sanitary Inspector. Even in a limited municipal area with 2 or 3 Inspectors, I can declare openly that the supervision is anything but effective. Such being the case, this license fee is going to be collected more like a tax, without doing any work for which this money is collected. I know it is impossible to do the work with a limited staff. It is inevitable that he should neglect the work, because it is a physical impossibility. I ask what sanitation are you going to give? What sanitation do they require? In rural areas, sanitation is thousand times better than in the towns. There is no disinfectant so effective as the soil. All your phenyl and such other things cannot be compared with the soil. In these parts, your sanitation arrangements will not be of any use to the people who are living there.

Then, Sir, if there is no necessity and if there is no village, in the sense village is understood, what is the object of bringing this measure? Representations after representations have been

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made to the Government from all over Cochin State regarding this measure. Bitter complaints have been raised by people living in rural areas, petty traders selling two annas worth of kerosine, one anna worth of fish etc. that license fee is being levied and that they are being molested. You must realize that in a Municipal administration, there is the Council to check the Chairman and to keep him in his proper place. But here in a wide area like this, there is no one to check. Therefore you are giving ample powers to officers. Nobody knows officers more than I do, from my bitter experience. Officers of the kind of Sanitary Inspectors armed with great powers will surely enforce them among these poor rural villagers. They do not know what representations to make and how and where to make them. Even if proper representations are made redress is not always to be got by them. Now somehow or other, we are getting on very well without much trouble. I think that the Government are introducing this measure without having absolute necessity for it. I am sorry, Sir, that the Hon'ble Law Member gave as one of the reasons for introducing this measure that this is for giving some work to the Public Health Department and not because there is over-crowding in these areas.

Mr. Thomas Manjuran.—I never meant that.

Dr. A. R. Menon.—Now, Sir, whatever that may be, I have to request the Government to consider the position. I have no objection to giving plenty of work to the Heads of Departments. But we do not want to give any additional work to anyone as a result of which our people would be put to great inconvenience. I again request the Government that instead of now looking after the rural areas they would be better advised in creating second class municipalities in the various centres of this State as, for example, Kunnamkulam, Vadakkancheri and other places. When the urban areas are properly looked after, when flushing systems, electrification and such other things are installed there, then it would be time to turn your attention to the rural areas. I suggest to the Hon'ble Members to oppose this measure at the very beginning itself. We do not want to go into the Committee Stage.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.— സർ, ഞാനും ഈ ബില്ലിനെ എതിർക്കുന്നു. അതു ഇതിനുമുമ്പു പ്രസംഗിച്ച പ്രാസംഗികന്റെ അഭിപ്രായപ്രകാരമല്ല. അദ്ദേഹത്തിന്റെ അഭിപ്രായം ഇവിടത്തെ വില്ലേജും മറ്റു സ്ഥലങ്ങളിലെ വില്ലേജും തമ്മിൽ വ്യത്യാസമുണ്ടെന്നാണ്. അതു സമ്മതിക്കുന്നു. ഇവിടെ ടൌണും ചില വില്ലേജും തമ്മിൽ ജനപ്പെരുപ്പ

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ത്തിൽ വ്യത്യാസമില്ലെന്നുള്ളതു ഓർക്കേണ്ടതാണ്. ജനങ്ങൾ അധികം തിങ്ങി പാർക്കുമ്പോഴാണു് സാനിറേഷൻ രക്ഷിക്കാൻ ആവശ്യം അധികം വരുന്നതു്. കടലോരപ്രദേശങ്ങളിൽ സാനിറേഷനുവേണ്ടി വല്ല ഏർപ്പാടും ഗവൺമെൻറിൽനിന്നു ചെയ്തില്ലെങ്കിൽ സ്ഥിതി വല്ലാത്ത അപകടത്തിലാകും. അവിടെ പട്ടണങ്ങളിലേക്കാൾ വലിയ വിഷമമായിരിക്കുന്നു. ആഹാരം കഴിച്ചാൽ പോരാ. വിഹാരം കൂടി ചെയ്യുവാൻ വേണ്ട സൌകര്യം വേണം. അതിനു് അവിടെ സൌകര്യമില്ല. കടലോരപ്രദേശം മുഴുവൻ നടന്നുകഴിഞ്ഞാൽ സ്ഥലം സ്ഥലം തോറും ഈ ആവശ്യത്തിനു കാണുകയില്ല. പഞ്ചായത്തുകളെല്ലാം റൂറൽമുനിസിപ്പാലിറ്റികളായി കൺവർട്ടുചെയ്യണമെന്നു ഒരു റസലൂഷൻ ഞാൻതന്നെ അയച്ചിട്ടുണ്ടു്. പക്ഷെ ഈ ബില്ലിൽ അതൊന്നുമില്ല. ഈ ബില്ലിൽ ഹെൽത്തുഡിപ്പാർട്ടുമെൻറിനു കൂടുതൽ അധികാരം കൊടുക്കുന്നതാണു്. അതുകൊണ്ടു് ഈ ഉദ്ദേശമൊന്നും സാധിക്കുകയില്ല. റൂറൽമുനിസിപ്പാലിറ്റിസ് വന്നതിനു ശേഷം ഞങ്ങൾക്കു ലാറ്ററീൻസ് താമെന്നുപറഞ്ഞാൽ സാധിക്കുകയില്ല. അതു ഇപ്പോൾതന്നെ ആവശ്യമായിരിക്കുന്നു. പക്ഷെ അതു പഞ്ചായത്തുകൾ മുൻസിപ്പാലിറ്റികളാക്കിത്തീർത്തിട്ടു നടത്തണം. ഇങ്ങനെയുള്ള ഒരു വ്യവസ്ഥയോടുകൂടി ഇൻട്രഡ്യൂസ് ചെയ്യുകയാണെങ്കിൽ ഈ നിയമസഭ അതിനെ സപ്പോർട്ടു ചെയ്യുമെന്നാണു് എനിക്കു പറയാനുള്ളതു്.

Mr. M. Sivaraman Menon.—Sir, the learned Law Member in his opening speech supporting this Bill said that this Bill is to be worked out through the Panchayats. May I know whether that is a mis-apprehension, made by me or whether it is a serious statement made by the learned Law Member.

Mr. Thomas Manjuran.—What I said was this Bill was to be worked out for the benefit of the Panchayats.

Mr. M. Sivarama Menon.—Sir, I oppose the Bill, for more reasons than one. As has been very ably put forward by the Hon'ble Member for Urakom there are already ample powers vested under section 237 (b) in the Public Health Department, to cope with matters arising directly or indirectly out of matters relating to Public Health. For instance, scavenging, nuisances, licenses and fees and vital statistics, these are the four chapters, 8, 11, 12 and 13 under which powers can now be exercised by the Department of Public Health and they are certainly essential for the proper discharge of the duties entrusted to them. Even by a stretch of imagination if they are to be vested with some more powers they may be given powers with regard to matters covered by Chapter 7, water-supply, lighting and drainage. But

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this bill instead of providing for that asks us to give a blank cheque for the purpose of investing an officer appointed by the Government, under this regulation with all the powers vested in a Municipality. As you all know, there are 4 municipalities in the State and all the provisions of this regulation XI of 1096 are exercised by these Municipalities. There is a further provision Sec. 237 (a), that they may constitute any specified area into a minor municipality and extend to it the provisions of this Regulation. Therefore, if the Government contemplate constituting minor municipalities, Government have got ample powers. It is in pursuance of the powers conferred under that section that our Government are about to constitute the town of Irinjalakuda into a minor municipality. If the constitution of such minor municipalities are not found feasible, the Legislature has even provided for special provisions under this Municipal Regulation being enforced in other rural areas where there are neither major municipalities nor minor municipalities. The powers which are therefore essential for the proper discharge of those duties have been amply provided for by taking within its ambit, Chapter 8. The Learned Member for South Ezhuvas was quite right when he pointed out with all the force at his command that with regard to sea-board tracts there are no public latrines. It is the duty of the Public Health Department to make them. Even without this Bill, theHealth Department can make any number of latrines. The provisions contained in Chapter 8 are sufficient for them to exercise the necessary powers with regard to scavenging. Then there is Chapter 9, public streets. For that there is the Diwan Peishkar whose duty it is to protect every inch of poramboke property and he is certainly exercising that power with regard to the encroachments. Then Chapter 10, building Regulation. There are no building regulations in force now in non-municipal areas. The municipality can compel an owner to put back the line of buildings by 4 feet. Now if in all the rural areas Government contemplate such a thing then certainly the powers vested under this chapter together with all the rules framed thereunder are necessary. But it is for you to consider whether as a matter of fact your buildings require such a regulation. Then with regard to the rule-making provisions of the Government and the penalties provided in Chapters 14, 15 and 16, I can very well appreciate the anxiety for having such a provision. Even now we find as a matter of fact that if the Department of Public Health wants to enforce some of the provisions, they cannot do so for there is no provision to punish the offender on violation. Therefore it may be quite up to the

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Government to bring a bill containing the provisions which are highly necessary and I think the Honourable Members of this House will have no objection. But now the amendment seeks the whole of Cochin State to be converted into several municipalities without Municipal Councilsby clothing the Department of Public Health with all the powers under the Municipal Regulation. If the Government are going to use these powers, through the Panchayats, then we can understand the position. Then the whole State will be a family of municipalities. But this is giving the Government a blank cheque by which without the formality of a municipality, the Department can exercise all the powers vested under all the 16 chapters of the Municipal Regulation with only the controlling authority of the Diwan. This is something which is rather very very ambitious. Nobody could accept that any one officer can be endowed with such large powers especially when they include the power of taxation. But if this amendment is an indirect way to make the Health Department self-sufficient getting it the power of taxation, and then proceed to impose taxes, I do not know how far the poor villager will relish the Bill. "Taxation and Finance" is the most important chapter under the Regulation.

Sir, my humble submission is that this restriction under Rule 237 (b), ought to be in the Bill itself and not left to the discretion of the Government. I beg to submit that this bill, as it is brought before the House, is too large a measure, is too comprehensive a measure. It is a measure which can be availed of by an autocrat for abuse and therefore this Bill, deserves a rejection on a unanimous vote of this House.

Mr. H. J. Walmesley.—Sir, I find myself in a very difficult position in stating my opinion of this Bill. The Municipal Regulation has been out of print for a very long time and I have been applying to the Press for a copy for the last three months, but I have not yet got it. May I therefore be allowed to put a couple of questions to the Law Member? These officers who are to be given the full powers of a Municipality will have very wide powers and I have to ask if there will be any appeal from their decisions.

Mr. Thomas Manjuran.—The passing of this Bill does not necessarily mean that an autocrat is going to be appointed. Government are to be conferred with power for enforcing some of the provisions of the Municipal Regulation to non-municipal areas, with such safeguards as the Government think proper. It is intended to give certain powers to certain Government officers

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and anybody functioning under this Regulation is subject to the appeal to the Diwan under sectoin 203. There is no fear that we shall have a set of autocrats.

Dr. A. R. Menon.—Who are those who exercise this authority?

Mr. Thomas Manjuran.—The officers appointed by the Government functioning under the Department to which they belong and subject to the control of the Government.

Mr. H. J. Walmesley.—I must say that that section did not convey this meaning.

Mr. P. J. Alexander.—I move the closure motion.

Mr. P. Raman Menon.—I second it.

Mr. Thomas Manjuran.—Sir, I am really sorry that this debate has assumed this shape. One would have thought that any measure like this, where the object of the Gevernment is transparent, namely to redeem the country-side and bring it to the level of the towns, would be readily accepted by this Council. (Hear, hear). I am really surprised. The surprise culminated when the statement came from the Hon'ble Member ,who has had experience of Local Self Government for a long time, that the villages should be relegated to oblivion until the towns have been beautified, and perfected. Government cannot countenence such a proposition. Government consider that while the towns do require attention, the sympathy of the Goverment should extend to the villages also, which require equal attention.

Dr. A. R. Menon.—I made it as a sarcastic remark.

Mr. Thomas Manjuran.—I can only say that the sarcasm was too broad and that I am unable to appreciate it. What I noticed during the debate was that it was assumed that a body of autocrats was going to be appointed. No such autocracy or tyranny is meant. If the Government wanted to do such a thing there is nothing to prevent the Government from utilising section 237 (a) and constitute minor municipalities and apply to them all the provisions of the Municipal Regulation.

Mr. K. Ayyappan.—Do it.

Mr. Thomas Manjuran.—Hon'ble Members are saying "do it, do it." I want to know what advantage they will gain by doing that. By the constitution of a locality into a Minor Municipality it does not mean that a council will be constituted and a Lord Mayor will be appointed. Hon'ble Members should under-

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stand the difference between a pucca municipality and a minor municipality.

Mr. K. Ayyappan.—What is the difference? What is a Minor Municipality?

Mr. Thomas Manjuran.—Minor Municipalities are minor Municipalities. (Laughter). These minor municipalities are nothing but a name.

Mr. K. Ayyappan.—Will there be a Municipal Council?

Mr. Thomas Manjuran.—I do not think it is necessary that there should be a Council. In the minor municipalities there need not be a Chairman. From next year onwards Irinjalakuda is going to be constituted a pucca Municipality.

Mr. E. Ikkanda Warriar.—But in the Gazette it is said that it is going to be constituted a minor Municipality.

Mr. Thomas Manjuran.—Government say that it is a pucca municipality.

Dr. A. R. Menon.—On a point of information I may state that in the Travancore State there are two kinds of Municipalities, major and minor municipalities. Places like Vaikkam, Alwaye and Parur are minor Municipalities. Major Municipalities are at Kottayam, Trivandrum, Alleppey and Quilon. If you have any information please give us.

Mr President.—The contention of the Government Advocate is that the Hon'ble Member is under a mis-apprehension that under the existing Municipal Regulation you can constitute minor municipalities only with a municipal Council. That is his interpretation of the Law. You cannot quarrel with that. The House is not bound by the opinion of the Law Member.

Mr. T. S. Balarama Ayyar.—Was there not a Press Communique that Irinjalakuda was going to be constituted a minor Municipality?

Mr. President.—According to the Law Member minor municipalities can be constituted with or without a municipal Council. That is his interpretation of the law.

Mr. K. Achyuta Menon.—If all the minor Municipalities can be constituted only with a Council the second part of the section is superfluous which says that Government may extend all or any of the provisions.....

Mr. K. Ayyappan.—May I know whether the opinion of the Law Member is the opinion of the Government?

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Mr. President.—Not at all.

Mr. Thomas Manjuran.—Take it from me for what it is worth that the mere declaration that an area is a minor municipality does not necessarily mean that all the paraphernalia of ordinary Municipalities will automatically follow.

To resume my argument the attempt of the Government is only to do what the Government possibly can by way of improvement of the mofussil areas. In some quarters there is an impression that this is helping the creation of an irresponsible body of officers to fleece the people. Nothing of the sort. There esxists the Department of Public Health; whether the Hon'ble Member for Pallippuram desires it should exist or not. The Government and this Hon'ble House decided that a Public Health Department should function and it functions now. It is a great pity that the Hon'ble Member has begun to regret his enthusiasm and endeavours. The Government has not begun to regret, any way, and I am sure the majority of the Hon'ble Members of this House have not begun to regret it.

Mr. T. A. Ramachandra Ayyar.—Don't be too sure of it.

Dr. A. R. Menon.—I did not criticise the Department. My idea of the Department was different from what I see from its present working. I did not say anything about this department.

Mr. Thomas Manjuran.—Two important provisions under the existing Regulation that the Government cannot introduce in non-Municipal areas are (1) power of taxation and (2) water supply, lighting etc. The very word taxation is a bogey word to some of the Hon'ble Members. That is unfair. There can be taxation and taxation. What is the amount of taxation that the Government will countenance in a mofussil area? A slight tax which may not operate as a burden on anybody at all will be welcome to all people who believe in progressive administration. One of the difficulties is that even a small tax cannot be collected readily under the existing Regulation. For collecting 4 annas, in the absence of the provision contained in chapter 7 of the Regulation, the Department has to seek the help of the Revenue Department. It will be like the mountain going into labour and bringing forth a ridiculous mouse. Do the Hon'ble Members want to stultify the efforts of the Department of Public Health by refusing necessary powers? What is the extraordinary proposal that I put before the House? Let us examine this Bill.

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Mr. K. Ayyappan.—We have examined the Bill.

Mr. Thomas Manjuran.—But I must say that it was not examined in the manner I wish you to examine it. If it is found that it is wrong then you can throw it out. I do not think I need make a longer speech in this matter. Several incorrect points have been raised. One Hon'ble Member stated that these provisions do not exist in the British District Municipalities Acts. The District Boards functioning in British mofussil areas have, on the other hand, more powers.

Mr. K. Ayyappan.—It is a popular body.

Mr. P. Kumaran Ezhuthassan.—They are elected bodies.

Mr. Thomas Manjuran.—Either the Municipal Acts or the District Board Act will cover all these provisions. Some have stated that a dictator is going to be appointed. The bill says that the Government may appoint officers for carrying out the provisions thereof. It is not one officer who is going to function under the bill. There is no fear of a dictatorship.

Mr. T. K. Nayar.—There is nothing about the Panchayats there.

Mr. Thomas Manjuran.—How can any modern Government function without officers? Government have to delegate some powers to some people. The Government are not going to appoint one man and ask him to administer the entire mofussil area of the State but to appoint several officers and delegate powers to them.

Mr. K. M. Kunhi Moideen.—There are the Panchayats.

Mr. Thomas Manjuran.—The Panchayats will be benefitted by this. One Hon'ble Member was stating why latrines could not be built in mofussil areas? Surely that is a desirable thing. How can you maintain latrines if you have no power of taxation?

Mr. K. Ayyappan.—Give that power to the Panchayat.

Mr. Thomas Manjuran.—Under what power will the Panchayat collect?

Mr. K. Ayyappan.—Bring a bill for that.

Mr. Thomas Manjuran.—What the Government now consider is that the Public Health Department should be given

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powers to collect without much difficulty the slight taxes which they have been empowered to impose. The members must have some amount of confidence in the Department. This department has been doing useful work and it must be given the necessary powers. I would request that the Bill may be given a fair chance and the matter examined and if necessary suitably modified. If per chance it is your opinion that the Bill should not be proceeded with at all, then you can throw it out. There is no occasion to stifle a measure which has been introduced in the best of interests.

Motion put and lost, 17 for and 32 against.

The Cochin Municipal Regulation Amendment Bill

Section 20.

Mr. Thomas Manjuran.—I beg to move that the Cochin Municipal Regulation Amendment Bill (Section 20) may be read in Council.

Mr. P. V. Subramania Ayyar.— I second it.

Mr. Thomas Manjuran.—This Bill definitely confines itself to Municipal areas. It is a non-controversial measure and I hope it will meet with the approval of the House.

Mr. M. Sivarama Menon.—Sir, I support this Bill and it has been referred to all Municipalities for opinion and we have come to the conclusion that for proper administration it is always good to have a Statutory Inspector. The Chairmen are not full time officers and they have to depend upon their executive officers and if there is an expert authority to supervise the work of the executive staff by surprise inspections, certainly we can get better work and we shall also be glad. Our difficulies are not now being appreciated by the Government because our cry is a cry in the wilderness. Therefore if a Government officer is appointed as Statutory Inspector, he will understand our difficulties and report the matter to the Government. These officers will be compelled to make recommendations to the Government about our difficulties. Then the question of contribution which has been lying idle willagain loom large and I support the motion for the amendment of the Municialp Regulation.

Motion put and carried.

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